

Application No.: 10/777,264

Docket No.: JCLA11985-R

REMARKS**Present Status of the Application**

Claims 1-3, 5-7, 9-10 are pending of which the claims 1 and 5 have been amended without prejudice or disclaimer in order to more explicitly describe the claimed invention. Moreover, paragraph [0018] is also amended to more clarify the claimed subject matter without introducing any new matter. It is believed that no new matter adds by way of amendments made to the claims. For at least the foregoing reason, applicants respectfully submit that claims 1-3, 5-7 and 9-10 patently define over prior art of record and reconsideration of this application is respectfully requested.

Discussion for amendments to paragraph [0018] and claims 1, 5

As shown in Fig.3A, paragraph [0018] is so amended to include the features of "the strap unit 310 having a folded end, and the ring unit 320 being embedded in the folded end of the strap unit 310." Also, the claims 1 and 5 are so amended to incorporate the preceding feature. Accordingly, amendments to paragraph [0018] and claims 1, 5 do not introduce any new matter.

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Discussion for rejection to claims under 35 U.S.C. 103(a)

Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 4,901,732 to Williams in view of US Pat. No. 1,857,567 to Plesch.

In response thereto, applicant respectfully traverses the preceding rejections based the following arguments. To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine references teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teachings or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438(Fed. Cir.1991). Amended independent claims 1 and 5 are partly recited as follows.

A cuff, comprising: a strap unit with a uniform width, wherein the strap unit has its lower side wider than its upper side, a free end and a folded end; a ring embedded in the folded end of the strap unit, wherein the direction of the ring is not perpendicular to an outstretch direction of the strap unit so as to define the strap unit with its upper side wider than its lower side.

Although the Examiner alleged that Williams teaches a cuff comprising a strap unit, with a ring unit 58, the strap unit having its upper side wider than its lower side, Figs. 1-3 in Williams fail to disclose "the strap unit 12 is defined by ring 60 to have its upper side wider than its lower side," as claimed in amended claims 1 and 5. Furthermore, either strap unit (a) in Plesch or

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strap unit (12) in Williams fails to disclose claimed "folded end." Moreover, from Fig.2 in Williams, it only discloses a clamping means (58) (alleged as a ring by the Examiner) is affixed to bladder 12 (alleged as a strap unit by the Examiner), instead of "the ring being embedded in the folded end of the strap unit," as claimed in amended claims 1 and 5, and nor does Plesch.

Additionally, in col. 4, lines 25-30, in Williams, there discloses "the important aspect of the present invention is that the taper of that portion of the bladder which overlies the brachial artery is such that, when the vertex is positioned proximal the lateral epicondyle bone, the width of the bladder is approximately 40% of the circumference of the arm of the patient." Thus, if Williams combines with Plesch, the bladder (12) is replaced by strap unit taught by Plesch, and objective of Williams cannot be achieved because there is no taper in the strap unit taught by Plesch, and accordingly the width of the bladder cannot be approximately 40% of the circumference of the arm of the patient. Hence, any artisan is not motivated to combine Williams and Plesch because this combination fails to render Williams to achieve expectation of success. In other words, Williams and Plesch cannot establish a prima facie case of obviousness, and amended claims 1 and 5 are accordingly patentable.

Even if Williams and Plesch could be combined, this combination still fails to disclose "the strap unit has its lower side wider than its upper side, a free end and a folded end; a ring embedded in the folded end of the strap unit, and the strap unit being defined by ring to have its upper side wider than its lower side," as claimed in amended claims 1 and 5. That is, the combination of prior art references (i.e. Williams and Plesch) fails to teach or suggest all the claim limitations. Thus, amended claims 1 and 5 cannot be rendered obvious because a prima facie case is not well established, and accordingly patentable.

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Regarding claims 2-3, 6-7 and 9-10, they are rejected on the grounds of "obviousness." However, as discussed above, any artisan is not motivated to combine Williams and Plesch because this combination fails to render Williams to achieve expectation of success. Hence, claims 2-3, 6-7 and 9-10 cannot be rendered obvious because at least two prior art references, Williams and Plesch, cannot establish a prima facie case of obviousness, and accordingly patentable. Furthermore, since claims 2-3, 6-7 and 9-10 are dependent claims, they should be patentable as a matter of law for the reason that they contain all limitations of their corresponding base claims 1 and 5.

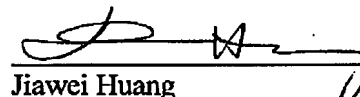
CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1-3, 5-7 and 9-10 of the present application patently define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Date: 7-18-2007

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Respectfully submitted,
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